

HUESTON HENNIGAN LLP
Moez M. Kaba, State Bar No. 257456
mkaba@hueston.com
Allison L. Libeu, State Bar No. 244487
alibeu@hueston.com
Sourabh Mishra, State Bar No. 305185
smishra@hueston.com
523 West 6th Street, Suite 400
Los Angeles, CA 90014
Telephone: (213) 788-4340 Facsimile:
(888) 775-0898

*Attorneys for Defendants
Shopify Inc. and Shopify (USA) Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MY CHOICE SOFTWARE, LLC, a
California limited liability company,
individually, and on behalf of all others
similarly situated,

Plaintiff,

vs.

SHOPIFY, INC., a Canadian
Corporation; SHOPIFY (USA) INC., a
Delaware Corporation; TASKUS, INC. a
Delaware Corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. 3:23-cv-02687

**DECLARATION OF SOURABH
MISHRA IN SUPPORT OF
DEFENDANT SHOPIFY INC.'S
NOTICE OF REMOVAL TO
FEDERAL COURT**

Complaint Filed: September 16, 2022

DECLARATION OF SOURABH MISHRA

I, Sourabh Mishra, declare as follows:

1. I am an attorney at law duly licensed to practice in the State of California. I am a counsel at the law firm of Hueston Hennigan LLP, and counsel of record for Defendant Shopify Inc. in the above-captioned matter. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to such facts under oath.

2. I submit this Declaration in support of Defendant Shopify Inc.'s. Notice of Removal, which is filed concurrently herewith.

3. On September 16, 2022, plaintiff My Choice Software, LLC ("MCS") filed a civil action in the Superior Court of the State of California for San Francisco County entitled *My Choice Software, LLC, v. Shopify Inc., Shopify (USA) Inc., TaskUs Inc., and Does 1 through 100*, Case No. CGC-22-601842 (the "State Court Action"). On April 24, 2023, MCS served Shopify Inc. with a Notice and Acknowledgement of Receipt of Service and a copy of the Summons, Civil Cover Sheet, and Complaint. A true and correct copy of all process, pleadings, and orders served on Shopify Inc. in the State Court Action are attached hereto as **Exhibit A**.

4. On September 16, 2022, MCS filed a separate civil action in the Central District of California entitled *My Choice Software, LLC v. TaskUs, Inc.*, Case No. 8:22-cv-01710-DOC-DFM (C.D. Cal.) (the "Federal Case"). A true and correct copy of the First Amended Complaint in the Federal Case is attached hereto as **Exhibit B**.

5. On May 1, 2023, the parties in the Federal Case had a hearing before Judge David O. Carter to discuss the defendants' pending motions to dismiss. A true and correct copy of the transcript of that hearing is attached hereto as **Exhibit C**.

6. On May 12, 2023, Shopify Inc. executed and returned a Notice and Acknowledgement of Receipt of Service. A true and correct copy of the executed Notice and Acknowledgement of Receipt of Service is attached hereto as **Exhibit D**.

7. On May 18, 2023, Judge Carter issued a written order dismissing Shopify Inc. and Shopify USA from the Federal Case with prejudice. A true and correct copy of the order is attached hereto as **Exhibit E**.

8. On May 5, 2022, Shopify Inc. and Shopify USA sent a letter to MCS's counsel requesting that MCS dismiss its claims against them in this Action due to the enforceable forum selection clause and because Judge Carter's dismissal order has preclusive effect. A true and correct copy of the order is attached hereto as **Exhibit F**.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 31, 2023

HUESTON HENNIGAN LLP

By: Sourabh Mishra

Sourabh Mishra

Attorney for Defendants
Shopify, Inc. and Shopify USA, Inc.